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Chapter No. 400
18/SS02/F1074CS
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SENATE BILL NO. 2675

Originated in Senate

Liz Welch

Secretary

SENATE BILL NO. 2675

AN ACT TO AMEND SECTION 43-26-1, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE MISSISSIPPI DEPARTMENT OF CHILD PROTECTION SERVICES SHALL BE A SUBAGENCY WITHIN THE MISSISSIPPI DEPARTMENT OF HUMAN SERVICES AND TO PROVIDE THAT THE COMMISSIONER OF THE DEPARTMENT OF CHILD PROTECTION SERVICES SHALL MAINTAIN OPERATIONAL CONTROL OVER THE FUNCTIONS OF THE DEPARTMENT OF CHILD PROTECTION SERVICES; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 43-26-1, Mississippi Code of 1972, is amended as follows:

43-26-1. (1) There is hereby created a Mississippi Department of Child Protection Services.

(2) The Chief Administrative Officer of the Department of Child Protection Services shall be the Commissioner of Child Protection Services who shall be appointed by the Governor with the advice and consent of the Senate. The commissioner shall possess the following qualifications:

(a) A bachelor's degree from an accredited institution of higher learning and ten (10) years' experience in management, public administration, finance or accounting; or

(b) A master's or doctoral degree from an accredited institution of higher learning and five (5) years' experience in management, public administration, finance, law or accounting.

(3) * * * The Department of Child Protection Services * * * shall be a subagency independent of, though housed within, the Mississippi Department of Human Services. The Commissioner of the Department of Child Protection Services shall maintain complete and exclusive operational control of the Department of Child Protection Services' functions, except functions shared with the Department of Human Services as provided in subsection (5)(c) and (d) of this section.

(4) The Commissioner of Child Protection Services may assign to the appropriate offices such powers and duties deemed appropriate to carry out the lawful functions of the programs transferred to the department under Chapter 494, Laws of 2016. * * *

(5) The Commissioner of Child Protection Services and the Executive Director of the Department of Human Services shall develop and implement a plan for the orderly establishment of the Department of Child Protection Services and its transition from the Office of Family and Children's Services of the Department of Human Services. The plan shall:

(a) Describe a mechanism for the transfer of any equipment, supplies, records, furnishings or other materials, resources or funds dedicated to the operation of the Office of

Family and Children's Services of the Department of Human Services, which may be useful to the Department of Child Protection Services;

(b) Determine the allocation of resources between the newly created Department of Child Protection Services and the Department of Human Services, as practicable;

(c) Determine the allocation of functions where the performance of services may be shared between the Department of Child Protection Services and other employees of the Department of Human Services, as practicable;

(d) Determine whether any administrative support services, such as Information Technology Services, bookkeeping and payroll, can continue to be provided by the Department of Human Services; and

(e) Identify other areas deemed relevant by the commissioner and make recommendations thereon to achieve an orderly transition.

* * *

(6) * * * The programs and services provided by the Office of Family and Children's Services of the Department of Human Services under the following statutes shall be provided by the Department of Child Protection Services: Sections 41-87-5, 41-111-1, 43-1-2, 43-1-51, 43-1-55, 43-1-57, 43-1-63, 43-15-3, 43-15-5, 43-15-6, 43-15-13, 43-15-15, 43-15-17, 43-15-19, 43-15-21, 43-15-23, 43-15-51, 43-15-103, 43-15-105, 43-15-115,

43-15-125, 43-15-201, 43-15-203, 43-15-207 and 43-18-3,
Mississippi Code of 1972.

(7) The PEER Committee shall review the programs or program of the Mississippi Department of Child Protection Services, beginning with fiscal year 2017 and each year thereafter. PEER shall submit this review to the Chair of the Senate Public Health and Welfare Committee, the Chair of the Senate Appropriations Committee, the Chair of the House Public Health and Human Services Committee, the Chair of the House Appropriations Committee, the Lieutenant Governor, the Speaker of the House of Representatives, and the Governor by December 1 of each year. The review shall consist of the following:

(a) A review of the effectiveness of any program of the department for which appropriated outcome measures have been established;

(b) Caseloads for social workers for each county or another appropriate geographic area;

(c) Turnover rates of social worker staff by county or other geographic area;

(d) Sources and uses of department funding; and

(e) Any other matters that the PEER Committee considers to be pertinent to the performance of agency programs.

SECTION 2. This act shall take effect and be in force from and after its passage.

PASSED BY THE SENATE
March 27, 2018



PRESIDENT OF THE SENATE

PASSED BY THE HOUSE OF REPRESENTATIVES
March 27, 2018



SPEAKER OF THE HOUSE OF REPRESENTATIVES

APPROVED BY THE GOVERNOR



GOVERNOR

April 13, 2018
11:02am